

**IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT  
OF ALABAMA, EASTERN DIVISION**

**WENDELL DEAN VAN METER,** )

**NEVA JANE VAN METER,** )

**Plaintiffs,** )

**v.** )

**THE CITY OF LANETT,** )

**ALABAMA; OSCAR CRAWLEY,** )

**individually and as Mayor of the City** )

**of Lanett; KYLE MCCOY,** )

**individually and as Lanett City** )

**Councilman; JOHN DUSKIN,** )

**individually and as Lanett City** )

**Councilman; MIKE YARBROUGH,** )

**individually and as Lanett City** )

**Councilman; JOEL G. HOLLEY,** )

**individually and as Lanett City** )

**Manager** )

**Defendants.** )

**Case No.: 3:06-CV-583-DRB**

**REPORT OF PARTIES' PLANNING MEETING**

1. Pursuant to Federal Rules of Civil Procedure Rule 26(f), a meeting was held on August 18, 2006 at the offices of James C. Ingram, Jr., and was attended by:

William Harris and James C. Ingram for Plaintiffs, Wendell Dean Van Meter and Neva Jane Van Meter; and

T. Randall Lyons for Defendants, City of Lanett, Alabama, Oscar Crawley, Kyle McCoy, John Duskin, Mike Yarbrough, and Joel G. Holley.

2. **Pre-Discovery Discloses.** The parties will exchange pre-discovery disclosures by

September 29, 2006, the information required by Federal Rules of Civil Procedure

26(a)(1).

3. **Discovery Plan.** The parties jointly propose to the Court the following discovery plan:

- Discovery will be needed on the following subjects:
- Plaintiffs' claims and damages against each Defendant. Further, depositions of the Defendants regarding defenses.
- All discovery commenced in time to be completed by July 1, 2007.
- Maximum of forty interrogatories for each party to any other party. Responses due thirty days after service.
- Maximum of twenty request for admissions for each party to any other party. Responses thirty days after service.
- Maximum of seven depositions by Plaintiffs and seven depositions by Defendants. Each deposition limited to a maximum of four hours unless extended by agreement of the parties.
- Reports from retained experts under Rule 26(a)(2) due from Plaintiffs by February 1, 2007 and reports from retained experts under Rule 26(a)(2) due from Defendants by March 1, 2007.
- Supplementation under Rule 26(e) due within thirty days of expert disclosures.

4. **Other Items.** The parties do not request a conference with the Court before entry of the scheduling order.

- The parties request a pre-trial conference in July of 2007.
- Plaintiffs should be allowed until September 30, 2006 to adjoin additional parties and until October 30, 2006 to amend the pleadings. Defendants should be allowed until November 30, 2006 to adjoin additional parties and until December 30, 2006 to amend the pleadings.
- All potentially dispositive motions should be filed by April 15, 2007.
- Settlement could not be evaluated prior to February 2007 and may be enhanced by the use of alternative dispute resolution proceedings such as mediation.
- Final list of witnesses and exhibits under Rule 26(a)(3) should be due from Plaintiff by May 1, 2007 and from Defendants by May 1, 2007.
- Parties should have fifteen days after service of final list of witnesses and exhibits to list objections under Rule 26(a)(3).
- The case should be ready for trial by this Court's Opelika trial term of September 5, 2007 and at this time is expected to take approximately three days.

Done this the 28<sup>th</sup> day of August, 2006.

Respectfully submitted,

/s/ James C. Ingram, Jr.  
JAMES C. INGRAM, JR.  
Attorney for Above-named Plaintiffs

/s/ William Harris  
WILLIAM HARRIS  
Attorney for Above-named Plaintiffs

/s/ T. Randall Lyons  
T. RANDALL LYONS (LYO006)  
Attorney for Above-named Defendants